

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Polina Zvyagina-Taber	Team: Team # 1	CCRB Case #: 201000441	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/12/2010 10:40 AM	Location of Incident: West 183rd Street and Grand Avenue	Precinct: 46	18 Mo. SOL 7/12/2011	EO SOL 7/12/2011	
Date/Time CV Reported Tue, 01/12/2010 10:47 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/12/2010 10:47 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Francis Bryant	00370	927980	046 PCT
2. An officer			
3. POM Harry Delacruz	20377	941272	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Francis Bryant	Abuse: Sgt. Francis Bryant stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.SGT Francis Bryant	Force: Sgt. Francis Bryant used physical force against § 87(2)(b)	
C.POM Harry Delacruz	Force: PO Harry Delacruz used physical force against § 87(2)(b)	
D. An officer	Force: An officer used physical force against § 87(2)(b)	
E. An officer	Force: An officer pointed his gun at § 87(2)(b)	
F. An officer	Abuse: An officer searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.	
G. An officer	Force: An officer used a chokehold against § 87(2)(b)	

Case Summary

§ 87(2)(b) called the CCRB on January 12, 2010 to file a complaint as a witness. An anonymous male called 911 and filed a complaint to IAB about the same incident. The complaint, log number 10-01818, was referred to the CCRB on January 20, 2010.

§ 87(2)(b) who is a victim in the incident, was contacted via telephone on February 8, 2010 and he provided the following statement: § 87(2)(b) was in a car with § 87(2)(b) and § 87(2)(b) and they were coming back from KFC in Manhattan on 145th Street. § 87(2)(b) was driving his Audi, § 87(2)(b) was in the front passenger seat and § 87(2)(b) was in the back. Three or four officers in uniform were just finishing up with a car on the corner of West 183rd and Grand Avenue in the Bronx when § 87(2)(b) pulled up at a red light. The officers seemed to recognize § 87(2)(b) so Sgt. Bryant, described as a black male who was 6'6", with a medium build and in his thirties, with a name tag that read Sgt. Bryant, approached § 87(2)(b)'s window and told her to open it. Once she opened her window, he told her to come out of the car. PO Delacruz, a Hispanic male who was 6'2", with a slim build and in his twenties approached § 87(2)(b) told him to open his window, turn off his car and come out of the vehicle. The third officer, a Hispanic male in glasses, who was 5'9" and fat, approached § 87(2)(b) and told him to do the same. § 87(2)(b) was immediately handcuffed as was § 87(2)(b). § 87(2)(b) was placed on the ground by an unidentified officer and then Sgt. Bryant, PO Delacruz and the third officer kicked him multiple times in his legs and his back while he lay on the ground. § 87(2)(b) was yelling, "What are you doing?" to the officers, so the third officer came up to her, pulled out his gun, pointed it at her and said, "Shut up before I put one in your head." He then pulled her hair and placed her under arrest. Other officers arrived at the scene and the incident continued because § 87(2)(b) and § 87(2)(b) resisted arrest and yelled at the officers that they did not do anything. The car was searched by an unidentified officer.

§ 87(2)(b) was placed into the prisoner van by the third officer, and as he continued to yell this officer took his baton and held it against § 87(2)(b)'s throat, pushing his head back against the seat.

§ 87(2)(b) was arrested for § 87(2)(b), yet the car was not vouchered for evidence and was released to a friend of his shortly. § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b). § 87(2)(b) was arrested for § 87(2)(b).

On January 20, 2010, § 87(2)(b) could not be reached on the phone number that he provided because it was his former wife's phone and she stated that he does not live with her and does not share that phone number with her. Letters to his address were sent January 19 and February 24, 2010. § 87(2)(b) was contacted via telephone on February 8, 2010 and an interview was scheduled for February 10, 2010. He missed his interview without prior notification. A missed appointment letter was sent on February 19, 2010 and he was called on February 23, March 10, 16, and 17, 2010. Messages were left in his voicemail box and he did not call back. Phone numbers for § 87(2)(b) and § 87(2)(b) were unavailable. Letters were sent to them on January 19, February 24 and March 19, 2010. One letter sent to § 87(2)(b) was returned by USPS as "attempted-not known" so the following two letters were sent to another address found on Lexis-Nexis and they were not returned by USPS. A check on the DOC website revealed that none of these individuals were incarcerated at the time of this report. § 87(2)(g)

Team: 1

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date